

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application are respectfully requested.

It will be appreciated that Claim 81 has been amended by incorporation of the subject matter of Claims 82 and 85 (which have been cancelled) therein. Furthermore, applicants have combined the subject matter of Claims 81, 82 and 100 into new Claim 108 and have cancelled Claim 100.

Applicants will now address each of the rejections raised by the Examiner.

The Examiner has rejected Claims 83-84 and 107 under 35 U.S.C. § 112, ¶ 1, as purportedly introducing new matter. As applicants have cancelled all of those claims, that rejection is believed to have been rendered moot.

The Examiner next rejects Claims 81-107 under 35 U.S.C. § 112, ¶ 2, as purportedly being indefinite for failing to particularly point and distinctly claim the subject matter which applicants regard as the invention. That rejection, to the extent applied against the claims as amended, is respectfully traversed.

The Patent Office purports that it is unclear whether the phrase "assembly template" refers to an assembly matrix (solid support on which the hybridization of the fragments occurs) or to a nucleic acid template. In response, applicants note that such "assembly template" is indeed defined in the instant specification at page 10, lines 1-9, which reads as follows:

The assembling template of step (b) or (c) is for example a polynucleotide sequence coming from the initial library or a consensus sequence of said library, single or double-stranded. In the case where the assembling template is incorporated directly at step (c) of the invention, this template must be single-stranded.

According to a variant of the process of the invention, the assembling templates of steps (b) or (c) are composed of single or double-stranded oligonucleotides.

The above-cited passage makes it manifest that is a nucleic acid template. Withdrawal of this rejection is therefore respectfully requested.

The Patent Office next rejects Claims 81, 83-92 and 97-105 under 35 U.S.C. § 102(e) as purportedly being anticipated by Stemmer et al. By the present amendment, however, applicants have incorporated Claims 82 and 85 into Claim 81. It will be appreciated that the Patent Office

has not rejected Claim 82 in view of Stemmer et al. The remaining rejected Claims 83-92 and 97-105 have either depend upon Claim 81 or have been cancelled. The rejection is therefore believed to have been rendered moot.

The Patent Office next rejects Claims 81-83, 87-90, 97, 102-104 and 106 under 35 U.S.C. § 102(a) as being anticipated by Pachuk et al. As set forth immediately above, by the present amendment applicants have incorporated Claims 82 and 85 into Claim 81. Because the Patent Office has not rejected Claim 85 in view of Pachuk et al., this rejection is likewise rendered moot. With the exception of Claim 106, the remaining rejected claims either depend on amended Claim 81 or have been cancelled. With respect to independent Claim 106, it will be appreciated that applicants have incorporated Claim 85 therein, thereby rendering that rejection moot.

The Patent Office next rejects Claims 93-96 under 35 U.S.C. § 103(a) as being unpatentable over Pachuk et al. in view of Harrington et al. Because Claims 93-96 all depend, either directly or indirectly, on Claim 81 which is now believed to be free of any prior art, that rejection is likewise believed to have been rendered moot.

In view of the above amendments, applicants believe that they have addressed all outstanding issues and that the application is now in condition for allowance.

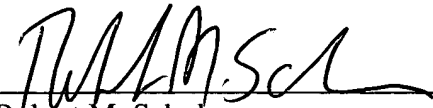
In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Applicants believe that there is no fee for this procedure. In the event that a fee is associated with this action, Applicants request that the Patent Office please charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS

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